

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-279—SB 1006

Commerce Committee

**AN ACT REQUIRING STATE AGENCIES TO CITE SPECIFIC
STATUTORY AND REGULATORY AUTHORITY FOR THEIR
ACTIONS**

SUMMARY: This act requires all state agencies taking certain regulatory actions under the Uniform Administrative Procedure Act (UAPA) to cite the legal authority for the action. The agencies must do this when rendering final decisions or taking actions against a license under that act. In either case, an agency must identify the statutes or its regulations supporting the decision or authorizing the action.

Under the act, an agency must also provide this information to a person or business affected by other specified regulatory actions if these parties request it. These actions include those involving (1) applications, permits, or requests for permits, licenses, approvals, or other permissions to conduct business or (2) the use of private property. The act specifies no deadline by which the agencies must respond to the request or consequences for failing to do so.

EFFECTIVE DATE: October 1, 2013

UAPA DECISIONS AND ACTIONS

The act requires state agencies to cite the legal authority for decisions they render under the UAPA. It specifically requires them to do so when rendering a proposed final decision, which by law they must do in writing, specifying the reasons for the decision and separate findings of fact and conclusions on each issue of fact or law upon which the decision rests. Under the act, the findings and conclusions must include the specific provisions of the law or the agency's regulations upon which the agency based its findings. By law, agencies must render proposed final decisions instead of adverse final decisions when a majority of the agency members who must render the final decision have not heard the matter or read the record. In these situations, the agency must allow the affected parties to file exceptions and present briefs and oral arguments to the agency's decision makers (CGS § 4-179).

Existing law also requires agencies to specify their findings of fact and conclusions of law supporting a decision in contested cases (CGS § 4-180). Under the act, the conclusions of law must also specify the provisions of the law or the agency's regulations on which the agency based its decision.

Lastly, the act requires agencies to provide this information when revoking, suspending, annulling, or withdrawing a license. By law, they must notify a licensee before they start a process that could potentially result in one of these outcomes. In doing so, they must notify the licensee by mail about the facts or the

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conduct that warrants the agency's intended action (CGS § 4-182).

ACTIONS AFFECTING BUSINESS ACTIVITIES OR PROPERTY USES

The act requires state agencies to specify the legal authority for an action that could affect a business activity or the use of private property when the affected party requests this information. Agencies must do this when:

1. acting on an individual's or business's application, petition, or request for a permit, license, approval, or other permission to conduct business or use private property;
2. restricting or imposing conditions on any business activity or use of private property; or
3. bringing an enforcement action, issuing a cease and desist order, or otherwise requesting the affected party to modify or stop any business activity or use of private property.

In these situations, the agency must specify the law, regulation, or general permit that authorizes its actions.

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